

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt year 2002 Amendments to Conflict of Interest Code
(Government Code § 87306.5)

MEETING DATE: November 20, 2002

PREPARED BY: Deputy City Attorney

RECOMMENDATION: *Adopt year 2002 amendments.*

BACKGROUND: This item was most recently before Council on October 16, 2002 at which time Council approved the Year 2002 Amendments for publication and comment. The comment period has now passed and the item is now back before Council for adoption.

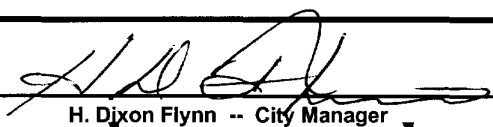
As a reminder, the Political Reform Act requires that each City adopt a Local Conflict of Interest Code requiring specified types of commissioners, employees and consultants¹ to disclose their economic interests. Employees and commissioners must disclose their interests if they have the power to make a governmental decision or participate in making a governmental decision through research and advocacy. Consultants must disclose their interests if they actually make a governmental decision. Disclosure is to be tailored to the type of decision a person might make. For example, the Deputy City Manager has broad power to make and recommend a vast array of decisions. As such she would have to make full disclosure of all of her interests. On the other hand, a purchasing agent in information services would only disclose interests in the types of companies they contract with. In compliance with the act, Council adopted a Local Conflict of Interest Code most recently on October 15 2000 in Resolution 2000-200.

Once adopted, the Council must review a conflict of interest code every two years to ensure that it complies with the Political Reform Act. Usually this process amounts to no more than adding newly created positions to, removing abolished positions from and reflecting title changes in the Conflict of Interest Code.

Several comments were received during the comment period. Those have been incorporated into the amendments now before Council. Joel Harris commented that the Senior Storekeeper/Buyer position had been renamed as Senior Storekeeper and that the position's duties no longer triggered reporting categories 13, and 18 but did trigger 10, 12, and 16. Mr. Harris also commented that the Buyer position should include reporting categories 4 and 5. Joseph Wood commented that Building Inspectors and Community Improvement Officers have similar job duties and felt their reporting categories should mirror one another. A copy of the proposed revised code is attached in red line strike out form. Except those mentioned above, most changes reflect newly added positions.

¹ Certain commissioners and employees such as the City Clerk, City Attorney, City Manager and Planning Commissioners are exempt from the Local Conflict of Interest Code because they already have disclosure obligations under other provisions of the Political Reform Act.

APPROVED: _____

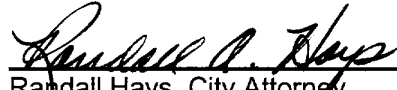

H. Dixon Flynn -- City Manager

CITY OF LODI

COUNCIL COMMUNICATION

FUNDING: Not applicable.

Respectfully submitted,



Randall Hays, City Attorney

APPROVED: _____

H. Dixon Flynn -- City Manager

RESOLUTION NO. 2002-235

A RESOLUTION OF THE LODI CITY COUNCIL REPEALING
RESOLUTION NO. 2000-200 THEREBY AMENDING CITY OF
LODI CONFLICT OF INTEREST CODE

The Political Reform Act of 1974 (Government Code section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and a hearing it may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the City of Lodi.

Designated officials and employees shall file their statements with the City Clerk of the City of Lodi and such statements shall be open for public inspection and reproduction pursuant to Government Code section 81008. Statements for all designated officials and employees will be retained by the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution No. 2000-200 is hereby repealed in its entirety.
2. The terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Lodi.
3. Persons holding designated positions shall file statements of economic interest pursuant to the provisions of this code.
4. All designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Lodi to whom the City Council hereby delegates the authority to carry out the duties of filing officer.
5. Failure to file the required statement in a timely fashion may result in the imposition of administrative, criminal and civil sanctions as provided in Government Code sections 81000-91014.
6. The effective date of this Resolution shall be November 20, 2002.

Dated: November 20, 2002

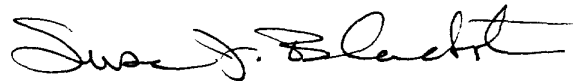
I hereby certify that Resolution No. 2002-235 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 20, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

A handwritten signature in black ink, appearing to read "Susan J. Blackston". The signature is fluid and cursive, with the first name "Susan" and last name "Blackston" clearly distinguishable.

Susan J. Blackston
City Clerk

APPENDIX A
DESIGNATED OFFICIALS AND EMPLOYEES

The following is a listing of those persons who are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended:

List of designated positions required to file Form 700:

<u>Department:</u>	<u>Position:</u>	<u>Disclosure Category:</u>
City Manager	City Manager	*
	Deputy City Manager	1
	Management Analyst	1
	Admin. Assistant to City Manager	1
	Economic Development Coordinator	1
	Information Systems Manager	1
	Information Systems Coordinator	2,3,4,5,8,10,11,15,16
	Data Processing Manager	2,4,10,11,15,16
	Network Administrator	15,16
City Attorney	City Attorney	*
	Deputy City Attorney	1
City Clerk	City Clerk	1
	Deputy City Clerk	1
Community Center	Community Center Director	1
	Senior Services Coordinator	2,3,4,10,11,16
	Arts Coordinator	2,3,4,10,11,16
Community Development	Community Development Director	1
	City Planner	1
	Senior Planner	1
	Junior\Assistant\Associate Planner	1
	Community Improvement Manager	1
	Building Official	1
	Building Inspector III\Senior	2,3,4,5,6,7,8,9,10,11,15,16
	Community Improvement Officer	2,3,4,5,6,7,8,9,10,11,15,16
Electric Utility	Electric Utility Director	1
	Senior Electric Utility Rate Analyst	1
	Manager, Customer Programs	1
	Manager, Electric Services	1
	Manager, Business Planning & Marketing	1
	Manager, Engineering & Operations	1
	Electric Utility Superintendent	2,3,4,6,7,8,9,10,15,16
	Technical Services Manager	2,3,4,6,7,8,9,10,15,16
	Manager, Rates & Resources	1
	Manager, Power & Rates	1
	Senior Electrical Estimator	4,6

Finance	Finance Director Accounting Manager Accountant III Purchasing Officer Revenue Manager Senior Storekeeper Buyer Purchasing Technician	* 2,3,4,5,13,18 2,3,4,5,15 2,3,4,5,6,10,11,12,15,16,19 20 2,3,4,5,10,12,16 2,3,4,5,10,12,16 4,5,15,16
Fire	Fire Chief Fire Division Chief \ Operations Fire Battalion Chief \ Training Fire Battalion Chief Fire Division Chief \ Fire Marshall Fire Inspector	1 2,3,4,6,10,11,12,14,19 2,3,4,6,10,11,12,14,19 2,3,4,6,10,11,12,14,19 1 1
Human Resources	Human Resources Director Senior Human Resources Analyst Management Analyst Trainee	1 2,4,14,17,18 2,4,14,17,18
Library	Library Services Director Supervising Librarian	1 4,5,11,15
Parks and Recreation	Parks and Recreation Director Parks Superintendent Project Coordinator Management Analyst Trainee	1 1 2,3,4,6,7,8,10,16 4,5,10,11,15
Police	Police Chief Police Captain Management Analyst	1 1 4,5,12
Public Works	Public Works Director City Engineer Senior Civil Engineer Fleet & Facilities Manager Street Superintendent Street Contracts Administrator Water\Wastewater Superintendent Assistant Water\Wastewater Superintendent Transportation Manager Fleet Services Supervisor Tree Operations Supervisor Management Analyst Senior Traffic Engineer	1 1 2,3,4,6,7,8,9,10,15,16 2,3,4,6,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,5,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,10,11,15,16 2,4,9,10,11,15,16 3,4,6,8,9,10,11,16 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16

Boards and Commissions	Members of the Planning Commission	*
	Members of the Recreation Commission	2,3,4,6,7,8,9,10,16
	Members of the Site Plan and Architectural Review Committee	2,3,4,6,7,8,9,10,16
	Members of the Library Board of Trustees	2,3,4,6,7,8,9,10,16
	Members of the Lodi Eastside Improvement Committee	2,3,4,5,10,11
	Members of the Lodi Arts Commission	2,3,4,5,7,8,9,10,16
Consultants		1

* Exempted from Political Reform Act of 1974, but required to file a statement of economic interests pursuant to Government Code section 87200.

Designated Employees are those positions within the city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means an individual who, pursuant to a contract with a state or local governmental agency:

A. Makes governmental decisions whether to

1. approve a rate, rule or regulation;
2. adopt or enforce a law;
3. issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
4. authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
5. grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
6. grant agency approval to a plan, design, report, study or similar item;
7. adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

B. Serves in a staff capacity with the agency and in that capacity performs the same or substantially the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agencies Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the disclosure requirements. The City Manager or his designee's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Public Officials Specified in Government Code Section 87200: The following positions shall file a statement of economic interests pursuant to Government Code Section 87200:

1. Members of the Lodi City Council
2. City Manager
3. City Attorney
4. Finance Director
5. Members of the Lodi Planning Commission

APPENDIX B

APPENDIX OF DISCLOSURE CATEGORIES

DEFINITION

'Unit' as used in this text means the particular department, board, commission, office or other entity using the disclosure category.

DISCLOSURE CATEGORIES

1. All investments and business positions in business entities, sources of income and interests in real property.
2. Investments and business positions in business entities, and all sources of income.
3. Interests in real property.
4. Investments and business positions in business entities and sources of income from entities providing supplies, services, equipment or machinery of the type used by the designated employee's unit.
5. Investments and business positions in and income from entities which are book outlets, vendors or providers of business services.
6. Investments and business positions in business entities and income from sources engaged in construction, building, or material supply.
7. Investment and business positions in and income from sources engaged in construction or development.
8. Investment and business positions in and income from sources engaged in the construction of public works projects.
9. Investment and business positions in and income from construction firms involved in construction projects subject to acceptance by the City Council.
10. Investment and business positions in and income from business entities of the type to provide bids, supplies, vehicles and equipment.
11. Investment and business positions in and income from entities which provide training, services or facilities of the type utilized by the city.
12. Investments and business positions in business entities and sources of income which provide services and supplies of the type used in emergency services coordination and training activities.
13. Investments and business positions in and income from Union Pension funds that may be affected by the outcome of negotiations involving monetary settlements of employer-employee memorandums.

14. Investments and business positions in business entities and sources of income which provide medical services or facilities of the type used by the city.
15. Investments and business positions in and income from business entities supplying or manufacturing electronic equipment, supplies or services of the type utilized by the employee's unit.
16. Investments and business positions in and income from business entities providing supplies, services, equipment or machinery of the type used by the city.
17. Investments and business positions in and income from employment agencies or entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, recruiting, job classification studies and salary surveys.
18. Investments and business positions in and income from business entities which are of the type to provide any of the various types of employee insurance coverage and/or actuarial services.
19. Investments and business positions in business entities and income from sources which supply or manufacture firefighting or medical equipment or supplies.
20. All investments and business positions in business entities, sources of income, and interests in real property of the type which municipalities are permitted to invest under the California Government Code.

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

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cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

November 22, 2002

Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

RE: UPDATED CONFLICT OF INTEREST CODE

Please find enclosed a certified copy of the resolution amending the City of Lodi Conflict of Interest Code, which was adopted by the Lodi City Council at its November 20, 2002 City Council meeting.

Should you have any questions regarding this matter, please feel free to contact my office.

Sincerely,



Susan J. Blackston
City Clerk

SJB/jmp

Enclosure